

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Silver, Gary M.  
Wisniewski, Nancy  
Brandt, Kevin S.

) Group Art Unit: 1652

) Examiner: Richard Hutson, Ph.D.

) TERMINAL DISCLAIMER

Serial No.: 10/678,521

Filed: October 2, 2003

Atty. File No.: FC-1-C1-PUS-1

For: "NOVEL CARBOXYLESTERASE  
NUCLEIC ACID MOLECULES,  
PROTEINS AND USES THEREOF"

CERTIFICATE OF ELECTRONIC TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
AND THE DOCUMENTS REFERRED TO AS BEING  
ENCLOSED HERewith ARE BEING ELECTRONICALLY  
TRANSMITTED VIA USPTO EFS, ADDRESSED TO MAIL  
STOP AMENDMENT, COMMISSIONER FOR PATENTS,  
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS  
5 DAY OF JUNE 2007.

HESKA CORPORATION

By: 

Susan Gordon

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

I, Richard J. Stern, Ph.D., represent that I am Manager of Intellectual Property at Heska Corporation, am authorized to sign this document on behalf of the owner of record, Heska Corporation, a corporation fully organized under the laws of the state of Delaware, having a place of business at 3760 Rocky Mountain Ave., Loveland, Colorado 80538; and that Heska Corporation owns 100% interest in the instant application by assignment of the entire right, title and interest in and to the priority case, U.S. Patent Application Serial No. 09/403,942, for "CARBOXYLESTERASE NUCLEIC ACID MOLECULES, PROTEINS AND USES THEREOF," filed October 29, 1999, said assignment being recorded in the U.S. Patent Office at Reel/Frame 010800/0476.

I hereby disclaim, on behalf of the owner of record, the terminal part of any patent granted on U.S. Patent Application Serial No. 10/678,521 ('521 Application) which would extend beyond the expiration date of U.S. Patent No. 6,291,222 B1 ('222 Patent), and hereby agree on behalf of the owner of record that any patent granted on the '521 Application shall be enforceable only, for and during such period that the legal title to said patent shall be the same as

the legal title to the '222 Patent, this agreement to run with any patent granted on the '222 Patent and to be binding upon the grantee of such patent and its successors or assigns.

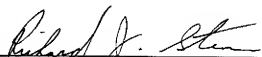
I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 10/678,521 prior to the expiration date of the full statutory term of the '222 Patent in the event that such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge, title is in the assignee.

Applicants claim small entity and authorize the statutory disclaimer fee of \$65 as specified under 37 CFR 1.20(d) to be charged to Deposit Account No. 081930.

Respectfully submitted,

Dated: June 5, 2007

By:   
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